

PBT

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption: Melvin Trent Walker

Full name(s) of Plaintiff(s)

FILED

OCT 24 2019

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

COMPLAINT  
FOR EMPLOYMENT  
DISCRIMINATION

v.

Thomas Westerman Wolf Gov. of PA  
Leslie Richards Sec. of Transp. PA

Full name(s) of Defendant(s)

CIVIL ACTION  
NO. 19

4983

EEOC Charge No.  
530-2019-01365

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).  
**NOTE:** In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.  
**NOTE:** In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

☐ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.  
**NOTE:** In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

**NOTE:** In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

## I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Melvin Trent Walker EL  
 Street Address: 2024 Chestnut St  
 County, City: Harrisburg, PA, Dauphin County  
 State & Zip: PA 17104  
 Telephone Number: 717 557-3064

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: Mrs. Leslie Richards Secretary of Trans.  
 Street Address: 400 North St. Keystone Building  
 County, City: Dauphin Co. City of Harrisburg  
 State & Zip: PA 17120  
 Telephone Number: 717-787-2838

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: PA Department of Transportation  
 Street Address: 2140 Herr St.  
 County, City: Dauphin County, Harrisburg  
 State & Zip: PA 17120  
 Telephone Number: 717-783-3960

## II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

- ☒ Failure to hire me  
☐ Termination of my employment  
☒ Failure to promote me

- ☐ Failure to reasonably accommodate my disability
- ☐ Failure to reasonably accommodate my religion
- ☒ Failure to stop harassment
- ☒ Unequal terms and conditions of my employment
- ☒ Retaliation
- ☒ Other (specify): Failure to interview and Train if needed.

**NOTE:** Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) 4, (day) 2, (year) 2019.

C. I believe that the defendant(s) (check one):

- ☒ is still committing these acts against me.
- ☐ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☒ race Jew ☒ color Black (brown)
- ☐ religion ☐ gender/sex
- ☐ national origin
- ☒ age My date of birth is 1/1/1967 (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

Failure to interview in guideline described by the PA Civil Service rules. (i) Competitive promotion with out examination. 4 Sub. Sect 95.7 Civil Service Commission PG. 1V (c) (2). Failure to train if needed.

**NOTE:** *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

**III. Exhaustion of Administrative Remedies:**

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: 4-2-2019 (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue Letter.

☒ issued a Notice of Right to Sue Letter, which I received on 10/4/19 (Date).

**NOTE:** *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☒ 60 days or more have passed.

☐ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: \_\_\_\_\_ (Date).

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

☐ One year or more has passed.

☐ Less than one year has passed.

**IV. Relief**

**WHEREFORE**, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

- ☐ Direct the defendant to hire the plaintiff.
- ☐ Direct the defendant to re-employ the plaintiff.
- ☒ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☐ Direct the defendant to (*specify*): Follow Civil Service Rules & Union Guideline
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☒ Other (*specify*): Completed the Engineer in Training  
with a raise to reflecting the paygrade

**I declare under penalty of perjury that the foregoing is true and correct.**

Signed this 21 day of October, 2019.

Signature of Plaintiff  
Address

Melvin P. Walker, E.D.  
2024 Chestnut St.  
Harrisburg PA 17104

Telephone number

717 557-3064

Fax number (*if you have one*)



MELVIN TRENT WALKER,

Plaintiff,

vs.

PENNSYLVANIA DEPARTMENT OF  
TRANSPORTATION,

Defendant

Case No. 2:17-CV-04720

Court of Appeals Docket #: 19-2435

Nature of Suit 440 Civil Rights – Other Civil Rights

42:2000e Job Discrimination (Employment) Retaliation,  
Age Discrimination, Hostile Work Environment, Color,  
Race

United States District Court for the Eastern District of Pennsylvania

AFFIDAVIT OF COMPLAINT

NEW MATTER:

Case No. 2:17-CV-04720 Doc. 10 page 9 of 19 NEW MATTER AND PAGE 17 OF 19 HIGHWAY DRAFTER

The most recent act of discrimination by the Pennsylvania Department of Transportation is when I applied to be a

Designer paygrade 7. The class of positions within the Pennsylvania Department of Transportation starts at,

Highway Drafter paygrade 5, the next is Highway Drafter Designer paygrade 6, then finally Designer paygrade 7.

I was sent an e-mail by a gentleman I use to work with named Mr. Leroy Posey a Caucasian man. Whom use to be

the head Drafter in District 8 where I work at now. Before he was promoted to a new position as a Highway Design

Manager at Central Office or the main Office of PennDOT where the Pennsylvania Secretary of Transportation

NEW MATTER- 1

works Ms. Leslie Richards. The email read that there is a position opening within his department as a Designer. And this position is a paygrade 7. So I then applied for the position. The instance that I am referring to, I mentioned as a NEW MATTER with the District Court Record. DOC.NO. 10 MOTION TO STRIKE- page 9 of 19 as a NEW MATTER. I filed a complaint with the EEOC in regards to the NEW MATTER and was given an identification Charge Number 530-2019-01365. I now have a "NOTICE OF SUIT RIGHTS" letter. I have included the letter included with this notice.

ACTIONS THOUGHT TO BE DISCRIMINATORY:

I believe that there is a mixed motive for the discriminatory acts. Because I have filed a complaint with several officials including the Human Resources Director for PennDOT, The Pennsylvania Secretary of Transportation and, the Pennsylvania Governor. I now don't qualify for jobs posted by the Department that will be a promotion. I have had all complaints hand delivered by certified mail. I applied for a Designer position that was posted, I was told by the Human Resources Department that I did not have one year of experience. And I was denied an interview. I have been a Drafter with the Department of Transportation for 10 years. And in the private sector a drafter for approximately 10 years.

ELIGIBILITY- COMPETITIVE PROMOTION WITHOUT EXAMINATION ONLY.

The Department of Transportation listed prior jobs held in the posting in that class if held, as Highway Drafter paygrade 5, and Highway Drafter Designer Paygrade 6.

According to the civil service rule noted below you qualify for an interview. If you have held either title - Highway Drafter is a paygrade 5, and Highway Drafter Designer is a paygrade 6. I am currently a Highway Drafter. The way the civil Service rules read. " , it may follow one of the following alternatives:"

(i) Competitive promotion without examination.

I claim by the rules this applies in my instance, and Seniority is when two applicants with the same job title applies and one has more time at the job than the other. The one with the most time is the Senior applicant in this example.

**It is not experience. As described in (ii)**

NEW MATTER- 2

1 (ii) Noncompetitive promotion without examination.

2 EEOC COMPLAINT INFORMATION:

3 I worked one year and two months as a Utility Relocation Technician paygrade 5 for winter reassignment. The job  
4 description provided by the Department of Transportation reads that the Technician will give design advice or  
5 suggested relocation places for the effected utility. This design suggestion is one year of experience. Needed for the  
6 Designer position posted, that I was told I don't have. But I do have it under the Utility Relocation Technician  
7 position that I held. I would issue Notice to Proceed Permits to utility companies to perform work within the state  
8 route highway right of way. And instruct PA Department of Transportation work forces. The paper is called the D-  
9 419 that tells **everyone who does what, where, and in what order**. These instructions also direct the Planning and  
10 Programing Department of let date capabilities. The D-419 directs contractors, PA Department of Transportation  
11 Managers and Supervisors accompanied with blueprints what to do. And I would write some special provisions to be  
12 placed in the contract for bid. I supervised all utility companies in four counties effected by proposed construction,  
13 and I have also supervised over 100 people. And held meetings at municipalities and townships throughout the four  
14 counties assigned to me.

15 When I worked in the Utility Unit there were three Technicians at paygrade 5, I being one of them, and one manager  
16 paygrade 8. I was told that the position has more work than the paygrade 5 actually pays. So in order to be up with  
17 the rest of the different district offices throughout the State of Pennsylvania they wanted to make us Utility  
18 Technicians paygrade 6 with a different job title. The other two Technicians white males were promoted to pay  
19 grade 7 from a paygrade 5 and transferred to Central Office. Before this personnel change came to fruition. This  
20 change did later happen and there was only one paygrade six added to my knowledge. I worked at this position for  
21 one year and two months, before becoming a Highway Drafter, my current position. I did later interview again for  
22 the Utility Technician position when it was upgraded. And I was chosen, but would be hired back at a paygrade 5, so  
23 I declined the offer.

24 I have trained students that were hired out of school as Engineer in Training employees. These employees do a  
25 rotation around the building in different departments. I have done the same rotation that most of these employees  
26 have done. Sometimes they may spend one week in a Department. Where I have spent at least a year in those

NEW MATTER- 3



Departments. When they finish they receive you have Completed the Engineer in Training Program. The Pennsylvania Department of Transportation acts in an apprenticeship capacity. The Engineer in Training Certificate is not from the Society of Professional Engineers, but an inhouse program. I should qualify for the same certificate issued if the Department has any resemblance to the Professional society. The students receive training if needed. I qualify for a position prior to training, if I need it. But I am told I don't have experience, neither do the younger personnel until they have the training. I am not afforded the same training if needed as the younger personnel.

MEMORANDUM OF CIVIL SERVICE RULES AND LAWS AND GUIDELINES:

Pennsylvania State Registration Board for Professional Engineers, Land Surveyors and Geologists  
Applicants must show satisfactory evidence of graduation from an approved engineering curriculum of four or more years or eight years of progressive experience approximating the education obtained through an approved engineering curriculum, to obtain the EIT.

4 § 95.7 CIVIL SERVICE COMMISSION Pt. IV

(c) Promotion without examination. Promotion without examination may be accomplished under the following circumstances;

(1) When a trainee in a lower level training title has successfully completed the prescribed period of training, the trainee will be promoted, without further examination, to the higher level title.

(2) When an appointing authority desires to fill a vacant position by promotion without examination, based on meritorious service and seniority, **it may follow one of the following alternatives:**

**(i) Competitive promotion without examination.** The appointing authority shall post the vacancy, consider the eligible employees who express an interest and make the promotion decision based upon an objective review of each employee's meritorious service and seniority. **Seniority** for this purpose shall be the length of continuous service of an employee in the designated next lower classes if there has been no break-in-service. Eligibility for consideration for the promotion may be limited by the appointing authority to a particular geographic or program area. The posting shall, whenever possible, specify the classes determined to be next lower. Otherwise, the posting shall state that

NEW MATTER- 4

1 applications will be reviewed to determine if employees previously held regular status or currently hold regular  
 2 status in a class for which there is a logical occupational, functional or career development relationship to the posted  
 3 position or if there is a clear linkage between the required knowledges, skills and abilities of the previously or  
 4 currently held class with those needed for the posted position.

5 (ii) Noncompetitive promotion without examination. The agency head will insure that the employee meets the  
 6 **experience** and training requirements of the higher level position, has regular status, and meets the meritorious  
 7 service and seniority requirements.

8 (iii) The employee meets all of the established requirements for the higher position.

9 (NOTE: The only time experience is read is in (ii)Noncompetitive. Seniority is used when you have two employees.

10 The one with the most time at the position is most senior, or is the most qualified of the two or more)

11 (iv) The employee satisfactorily completes a 6-month probationary period in the classified service position.

#### 12 13 Obstructing Competition:

14 An agency official shall not intentionally deceive or obstruct anyone from competing for employment. 5 U.S.C. §  
 15 2302(b)(4)

16 This PPP prohibits an agency official from willfully obstructing a person's right to compete for a job. Note that a  
 17 simple failure to select an applicant, without more, is not a violation of this section.

#### 18 19 CIVIL SERVICE ACT

20 Act of August 5, 1941 (P.L. 752, No. 286)

#### 21 COMMONWEALTH OF PENNSYLVANIA

#### 22 STATE CIVIL SERVICE COMMISSION

#### 23 ARTICLE II

#### 24 CIVIL SERVICE COMMISSION AND EXECUTIVE DIRECTOR

#### 25 AND THEIR POWERS

26 (Hdg. amended June 21, 1947, P.L.835, No.348)

NEW MATTER- 5

Section 903. Certain Acts Made Misdemeanors--Any person who willfully by himself or in collusion with one or more other persons defeats, deceives or obstructs any person in respect to his right of examination, appointment or employment according to this act or according to any rules made thereunder, or who corruptly or falsely marks, rates, grades, estimates or reports upon the tests or proper standing of any person tested or certified pursuant to the provisions of this act, or aids in so doing, or who willfully makes any false representations concerning the same or concerning the persons tested, or who willfully furnishes to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified or to be examined or certified, or who impersonates any person or permits or aids in any manner any other person to impersonate him in connection with any examination or request to be examined, certified or appointed, or who furnishes any false information about himself or about any other person in connection with any request to be examined, certified or appointed, or who makes an appointment to office or selects any person for employment contrary to this act or to any rules made thereunder, or who refuses to comply therewith, or who willfully or through culpable negligence violates any of the provisions of this act or of any rules made thereunder, shall for each offense be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00), and not exceeding three thousand dollars (\$3,000.00), or to serve imprisonment for a period not exceeding 3 years, or both, in the discretion of the court.

Dated this day 22, of October, 2019.

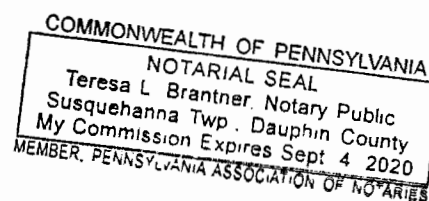
*Melvin Trent Walker*  
Affiant; Pro Se

*Melvin Trent Walker*

10-22-19

*teresa L Brantner*

NEW MATTER- 6



PBT

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 2024 Chestnut St. Harrisburg, Pennsylvania 17104

Address of Defendant: Secretary's Office 400 North Street Keystone Building Harrisburg PA 17120

Place of Accident, Incident or Transaction: 2140 Herr Street Harrisburg PA 17120

## RELATED CASE, IF ANY:

Case Number 2-17-cv-04720 & 19-2435 Judge: PETRESE B. TUCKER Date Terminated: 05/22/2019

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |   |   |   |  |
|---|---|---|--|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            |

I certify that, to my knowledge, the within case ☒ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 10/03/2019 Melvin Trent Walker, Esq. Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

## CIVIL: (Place a v in one category only)

## A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2 FEHA
- ☐ 3 Jones Act-Personal Injury
- ☐ 4 Antitrust
- ☐ 5 Patent
- ☐ 6 Labor-Management Relations
- ☒ 7 Civil Rights
- ☐ 8 Habeas Corpus
- ☐ 9 Securities Act(s) Cases
- ☐ 10 Social Security Review Cases
- ☐ 11 All other Federal Question Cases (Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
- ☐ 2 Airplane Personal Injury
- ☐ 3 Assault, Defamation
- ☐ 4 Marine Personal Injury
- ☐ 5 Motor Vehicle Personal Injury
- ☐ 6 Other Personal Injury (Please specify) \_\_\_\_\_
- ☐ 7 Products Liability
- ☐ 8 Products Liability Asbestos
- ☐ 9 All other Diversity Cases (Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Melvin Trent Walker Esq., counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

☐ Relief other than monetary damages is sought

DATE 10/03/2019 Melvin Trent Walker, Esq. Attorney-at-Law / Pro Se Plaintiff Attorney I D # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F R C P 38



PBT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Melvin Trent Walker

CIVIL ACTION

v.

PA Depart. of Transportation, EEOC #530-2019-01365

NO. 19 4983

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

10/21/2019  
Date

Attorney-at-law

717557-3064

Telephone

FAX Number

Melvin Trent Walker  
Melvin Trent Walker Pro Se  
Attorney for

At1a6Athletics@hotmail.com

E-Mail Address



FROM:

Melvin T. Walker  
2024 Chestnut St  
Harrisburg Pa 17104



7018 1130 0002 1459 8923



U.S. POSTAGE PAID  
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X-BA

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Clerk of Court  
United States Dist. Court  
601 Market St. Rm 2609  
Philadelphia PA 19106-1747

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REQUESTED

RETURN REC  
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